



STATE OF MICHIGAN
RUTH JOHNSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

July 18, 2011

The Honorable Mike Kowall
Michigan Senate
305 Farnum Senate Office Building
Lansing, MI 48933

Dear Senator Kowall:

Recently, your Chief of Staff, Mike Murray, contacted the Michigan Department of State regarding the use of historic and authentic vehicle registration plates. On the heels of the Michigan Senate adopting your Senate Resolution 73, he specifically asked for "the Secretary of State's interpretation regarding the proper and legal use of historical license plates (including authentic) during the Woodward Dream Cruise and the regional associated events." In response to your request, I offer the following:

Several sections of Michigan law make it illegal to operate a motor vehicle on public roadways without proper registration:

Every motor vehicle, recreational vehicle, trailer, semitrailer, and pole trailer, when driven or moved on a street or highway, is subject to the registration and certificate of title provisions of this act [unless exempt]. (MCL 257.216)

A person shall not operate a vehicle on the public highways or streets of this state displaying a registration plate other than the registration plate issued for the vehicle by the secretary of state, except as provided in this chapter for nonresidents, and by assignment provided in subsection (3). (MCL 257.224(8))

Depending on the type and use of a vehicle, my office issues a number of registration plates which differ from the standard plate, yet comply with state law. Two of these variants are historic and authentic plates.

Historic plates are issued under MCL 257.803a, which states:

(1) The secretary of state may issue to the owner of an historic vehicle an historic vehicle registration plate which shall bear the inscription "historical vehicle - Michigan" and the registration number.

(2) The owner of an historic vehicle applying for an historic vehicle registration plate or a registration tab under this section shall pay a fee of \$30.00, shall certify that the vehicle for which the registration is requested is owned and operated solely as an historic vehicle, and shall certify that the vehicle has been inspected and found safe to operate on the highways of this state. The registration certificate need not specify the weight of the historic vehicle. The registration issued under this section is transferable to another historic vehicle upon completion of the application for transfer and payment of the fee in the manner described in section 809.

(3) A registration issued under this section shall expire on April 15 in the tenth year following the date of issuance of the registration.

(4) The secretary of state may revoke a registration issued under this section for cause shown, and after a hearing, for failure of the applicant to comply with this section, for use of the vehicle for which the registration was issued for purposes other than those enumerated in section 20a, or because the vehicle is not safe to operate on the highways of this state.

Authentic plates are issued under MCL 257.803p, which states:

(1) The owner of an historic vehicle may use an authentic Michigan registration plate of the same year as the model year in which the vehicle was manufactured instead of an historic vehicle registration plate issued under section 803a by presenting the authentic plate number and year to the secretary of state at the time of registration. The owner of an historic vehicle may purchase an authentic Michigan registration plate from another person and restore the plate to its authentic condition for use pursuant to this section. An authentically restored plate shall be considered an authentic Michigan registration plate.

(2) The owner of an historic vehicle applying to use an authentic Michigan registration plate under this section shall pay a fee of \$35.00, shall certify that the vehicle for which the registration is requested is owned and operated solely as an historic vehicle, and shall certify that the vehicle has been inspected and found safe to operate on the highways of this state. The registration certificate need not specify the weight of the historic vehicle. The registration issued under this section is not transferable to another historic vehicle.

(3) A registration issued under this section shall remain valid until the registrant either sells, transfers, or scraps the vehicle or modifies the vehicle in a manner that requires the issuance of a new certificate of title for the vehicle under this act.

(4) After a hearing and for cause shown, the secretary of state may revoke a registration issued under this section for failure of the applicant to comply with this section, for use of the vehicle for which the registration was issued for purposes other than those enumerated in section 20a, or because the vehicle is not safe to operate on the highways of this state.

In addition to the requirements above, in order to obtain either of these plates a vehicle must meet the definition of a historic vehicle under MCL 257.20a:

“Historic vehicle” means a vehicle which is over 25 years old, and which is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing, but is not used for general transportation.

This section can essentially be broken into a three-part test:

- 1) The vehicle in question is over 25 years old.
- 2) The vehicle is owned solely as a collector's item (i.e. not acquired to be used for general transportation).
- 3) The vehicle is used for participation in club activities, exhibitions, tours, parades, and similar uses, including mechanical testing, but is not used for general transportation.

After obtaining a historic or authentic plate from a Secretary of State office and properly displaying it on the registered vehicle, the only real issue that may come into question is element number 3).

Driving to and from, and attending the Woodward Dream Cruise, regional associated events, or similar events, in a historic vehicle displaying a valid historic or authentic license plate would be an example of complying with the law. This activity could fall under one or more of the authorized uses: participating in club activities, exhibiting the vehicle, participating in a tour, participating in a parade, or similar uses. However, as an additional example, if the owner drove the same historic vehicle with a historic or authentic plate to work at a medical office on Woodward Avenue on Monday, then it would not be in compliance with the law.

In summary, since the Michigan Legislature did not define any of Section 20a's terms, courts generally give broad effect to the plain meaning of the words used. In this case, as long as a properly registered vehicle with a historic or authentic plate is not being used for general transportation purposes, and is being used for one of the authorized uses, it is in compliance. Finally, if there is an alleged violation of vehicle use, both the historic and authentic plate subsections (4) (noted above) provide an administrative remedy to address the violation.

I hope this addresses the question you had. Please feel to contact Doug Novak in the Bureau of Regulatory Services at 517-241-8322 if you have additional concerns or comments.

Sincerely,

Ruth Johnson
Secretary of State